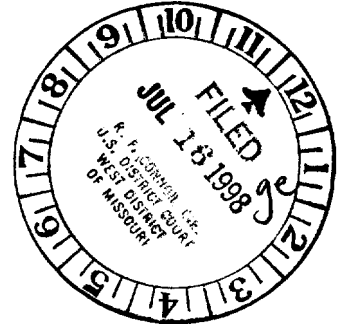


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION



B. JEAN WEBB

Plaintiff,

vs.

CITY OF REPUBLIC, MISSOURI

Defendant.

No. 98-3306-CV-S-RGC

ANSWER AND AFFIRMATIVE DEFENSES

Defendant, City of Republic, Missouri, by and through undersigned counsel, hereby submits its Answer and Affirmative Defenses to the Complaint filed in the above-styled cause as follows:

1. The allegations contained in paragraph (1) are admitted to the extent Plaintiff is setting forth the type of action she is bringing in this case, but Defendant specifically denies having violated Plaintiffs civil rights.

2. The allegations contained in paragraph (2) are merely conclusions of law to which no responsive pleading by Defendant is required.

3. The allegation contained in paragraph (3) is merely a conclusion of law to which no responsive pleading by Defendant is required.

4. Defendant admits the allegation contained in paragraph (4).

5. Defendant admits the allegations contained in paragraph (5).

6. Defendant admits the allegations contained in paragraph (6).

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation contained in paragraph (7).

8. Defendant admits that the seal has been displayed publicly in the manner described

ORIGINAL

Document # 3

in paragraph (8), but the terms “pervasive” and “prominent” as alleged by Plaintiff are ambiguous such that Defendant cannot admit or deny the truth thereof.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (9).

10. The allegations contained in paragraph (10) are denied.

11. The allegation contained in paragraph (11) is merely a conclusion of law to which no responsive pleading by Defendant is required, however to the extent they are allegations of fact they are denied.

12. The allegations contained in paragraph (12) are merely conclusions of law to which no responsive pleading by Defendant is required, however to the extent they are allegations of fact they are denied. Furthermore, Defendant specifically denies that it bears any liability for “actual damages” or that it has violated Plaintiffs civil rights.

13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph (13), but Defendant specifically denies that Plaintiff has suffered “distinct and palpable injuries”, or any injuries, as the result of any action Defendant **is** alleged to have taken. Furthermore, Defendant denies any and all liability for the actions of third parties toward Plaintiff including, but not limited to, the acts specifically described in paragraph (13), and demands strict proof thereof.

14. Defendant admits that Plaintiff is a tax-paying citizen of the City of Republic, Missouri, but all other allegations contained in paragraph (14) are denied and Defendant demands strict proof thereof.

15. Defendant admits that Plaintiff has raised an objection, but denies any endorsement

of religion, or use of public funds to support any endorsement of religion.

16. The allegations contained in paragraph (16) are denied.

17. Defendant repeats its answers to Paragraphs (1) through (16) of the Complaint which are incorporated herein as if fully set forth at length.

18. The allegations contained in paragraph (18) are denied.

19. The allegation contained in paragraph (19) is merely a conclusion of law to which no responsive pleading by Defendant is required.

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs claim is barred by Plaintiffs lack of standing.

THIRD AFFIRMATIVE DEFENSE

42 U.S.C. § 1983, as applied to Defendant, has an impermissible chilling effect on Defendant's first amendment rights to freedom of speech.

FOURTH AFFIRMATIVE DEFENSE

42 U.S.C. § 1983 should not be applied to adjudicate Establishment Clause claims.

WHEREFORE, Defendant denies that Plaintiff is entitled to any of the relief requested in the Complaint. Accordingly, Defendant respectfully requests that the Complaint be dismissed with prejudice, and that Defendant be awarded its costs and fees incurred in this action.

Pursuant to Fed. R. Civ. P. 38(b), Defendant demands a trial by jury of all issues triable of right by jury.

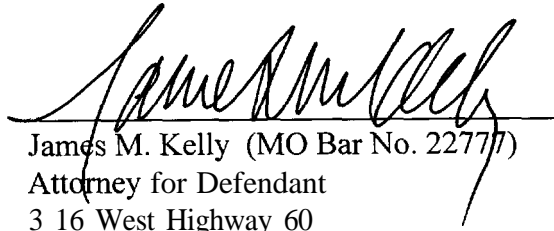
Respectfully submitted this 16TH day of July, 1998.

THE NATIONAL LEGAL FOUNDATION

Attorneys for Defendant
P.O. Box 341283
Memphis, Tennessee 38184-1283
(901) 385-2118



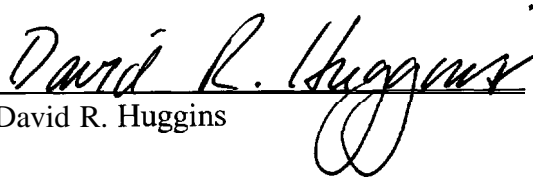
David R. Huggins (TN Bar No. 014901)
Pending Admission **Pro Hac Vice**



James M. Kelly (MO Bar No. 22777)
Attorney for Defendant
316 West Highway 60
P.O. Box 327
Republic, Missouri 65738
(417) 732-8800

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon Stephen Douglas Bonney, Esq., counsel for Plaintiff, 215 West 18th Street, Kansas City, MO 64108, via U.S. Mail, postage prepaid, on this the 16TH day of July, 1998.



David R. Huggins